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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **766**

02/04/2021 Authored by Hansen, R.; Lee; Acomb; Morrison; Fischer and others
The bill was read for the first time and referred to the Committee on Agriculture Finance and Policy
03/30/2022 Adoption of Report: Amended and re-referred to the Committee on Environment and Natural Resources Finance and Policy

1.1 A bill for an act
1.2 relating to agriculture; defining coated seed; prohibiting certain seed sales and
1.3 uses; regulating disposal of certain seeds; requiring consumer guidance; requiring
1.4 rulemaking; appropriating money; amending Minnesota Statutes 2020, sections
1.5 21.81, by adding a subdivision; 21.86, subdivision 2; proposing coding for new
1.6 law in Minnesota Statutes, chapters 21; 115A.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2020, section 21.81, is amended by adding a subdivision
1.9 to read:

1.10 Subd. 5a. **Coated agricultural seed.** "Coated agricultural seed" means any seed unit
1.11 covered with a coating material.

1.12 Sec. 2. Minnesota Statutes 2020, section 21.86, subdivision 2, is amended to read:

1.13 Subd. 2. **Miscellaneous violations.** No person may:

1.14 (a) detach, alter, deface, or destroy any label required in sections 21.82 and 21.83, alter
1.15 or substitute seed in a manner that may defeat the purposes of sections 21.82 and 21.83, or
1.16 alter or falsify any seed tests, laboratory reports, records, or other documents to create a
1.17 misleading impression as to kind, variety, history, quality, or origin of the seed;

1.18 (b) hinder or obstruct in any way any authorized person in the performance of duties
1.19 under sections 21.80 to 21.92;

1.20 (c) fail to comply with a "stop sale" order or to move or otherwise handle or dispose of
1.21 any lot of seed held under a stop sale order or attached tags, except with express permission
1.22 of the enforcing officer for the purpose specified;

2.1 (d) use the word "type" in any labeling in connection with the name of any agricultural
2.2 seed variety;

2.3 (e) use the word "trace" as a substitute for any statement which is required;

2.4 (f) plant any agricultural seed which the person knows contains weed seeds or noxious
2.5 weed seeds in excess of the limits for that seed; ~~or~~

2.6 (g) advertise or sell seed containing patented, protected, or proprietary varieties used
2.7 without permission of the patent or certificate holder of the intellectual property associated
2.8 with the variety of seed; or

2.9 (h) use or sell as food, feed, oil, or ethanol feedstock any seed treated with neonicotinoid
2.10 pesticide.

2.11 Sec. 3. **[21.915] PESTICIDE-TREATED SEED USE AND DISPOSAL; CONSUMER**
2.12 **GUIDANCE REQUIRED.**

2.13 (a) The commissioner, in consultation with the commissioner of the Pollution Control
2.14 Agency, must develop and maintain consumer guidance regarding the proper use and disposal
2.15 of seed treated with neonicotinoid pesticide.

2.16 (b) A person selling seed treated with neonicotinoid pesticide at retail must post in a
2.17 conspicuous location the guidance developed by the commissioner under paragraph (a).

2.18 Sec. 4. **[115A.993] PROHIBITED DISPOSAL METHODS.**

2.19 A person must not dispose of seed treated with neonicotinoid pesticide in a manner
2.20 inconsistent with the product label, where applicable, or by:

2.21 (1) burial near a drinking water source or any creek, stream, river, lake, or other surface
2.22 water;

2.23 (2) composting; or

2.24 (3) incinerating within a home or other dwelling.

2.25 Sec. 5. **RULEMAKING REQUIRED.**

2.26 The commissioner of the Pollution Control Agency, in consultation with the commissioner
2.27 of agriculture and the University of Minnesota, must adopt rules under Minnesota Statutes,
2.28 chapter 14, providing for the safe and lawful disposal of unwanted or unused seed treated
2.29 with neonicotinoid pesticide. The rules must clearly identify the regulatory jurisdiction of
2.30 state agencies and local governments with regard to such seed.

3.1 Sec. 6. **APPROPRIATION.**

3.2 Subdivision 1. **Consumer guidance.** \$100,000 in fiscal year 2023 is appropriated from
3.3 the general fund to the commissioner of agriculture to develop and publicize the consumer
3.4 guidance required under this act. This is a onetime appropriation and available until June
3.5 30, 2025.

3.6 Subd. 2. **Rulemaking.** \$175,000 in fiscal year 2023 is appropriated from the general
3.7 fund to the commissioner of the Pollution Control Agency for the rulemaking required under
3.8 this act. This is a onetime appropriation and available until June 30, 2024.